

HAMPTON PLANNING BOARD
Minutes of October 3, 2007

PRESENT: Tracy Emerick, Chair
Robert Viviano, Vice-Chair
Fran McMahon, Clerk
Keith Lessard
Bill Faulkner
Donna Mercer, Alternate
James Steffen, Town Planner

ABSENT: Tom Higgins
Jim Workman, Selectman Member

I. CALL TO ORDER

Chairman Emerick began the meeting at 7:00 PM by introducing the Board members and leading the Pledge of Allegiance to the flag

II. ATTENDING TO BE HEARD

Chairman Emerick stepped down from the Chair and Vice Chair Mr. Viviano took the Chair.

07-90 Peter Southwick
387 Lafayette Road
Change of Use: Part of Beauty Salon change to Office for Firearms Distributor,
with Federal Firearms License, no retail, and no ammunition on premises.
Map 160 Lot 34
Owner of Record: Pevzodiac, LLC

APPLICANT

Mr. Southwick is a broker for several security agency and departments. Mr. Southwick occasionally receives shipments, but his business is not a retail store. There is no ammunition on site and there will be signage. The business is setup up as a distributor. Mr. Southwick is switching from renting to owning his own space. This is a very low profile business.

BOARD DISCUSSION

The Board asked if the condominium association knows about the requested change of use. It was also asked who regulates this type of business.

Mr. Southwick stated that the business is regulated on the Federal level and State level.

There was discussion regarding the securing the firearms and what measures would be taken if firearms were to be stored overnight.

MOVED by Mr. Lessard to continue the application to October 17th to research the regulations regarding the storage of firearms with respect to the existing business on Lafayette Road.

SECOND by Mr. McMahon

VOTE: 4-1-0 Ms. Mercer opposed the motion. **MOTION PASSED**

Chairman Emerick returned to the Chair and continued with the remaining hearings before the Board.

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III. NEW PUBLIC HEARINGS – PLANNING BOARD APPLICATIONS

07-082 Hampton River Marina

55 Harbor Road

Special Permit to Impact Wetlands Conservation District:

Replace falling riprap along inner Marina basin and to replace failed bulkhead
(bulkhead work already performed)

Hampton River Marina

Map 295 Lot 1

APPLICANT The representative not the applicant was not present.

MOVED by Mr. Lessard to continue this application to November 7, 2007

SECOND by Mr. Viviano

VOTE: 6-0-0 **MOTION PASSED**

07-083 Olde Hampton Village

340 Lafayette Road

Site Plan Review

Parking Lot Expansion and Drainage Rehab.

Pegasus Management Corp.

Map 175 Lot 8

Owner of Record: Narcissus Real Estate, LLC

APPLICANT

Mr. Rick Russ. Managing agent for Narcissus Real Estate with Mr. Andrew Nowacki from Ames MSC. Olde Hampton village is 30-years old and explained that the amount of parking is insufficient. Mr. Russ explained that the area is in disrepair, the reconstruction of the parking lot will accomplish two items, additional parking spaces and place utilities underground.

Mr. Andrew Nowacki from Ames MSC. Mr. Nowacki identified the site and explained how the addition of 49 parking spaces is to be distributed between the two new parking areas. He noted that they would be upgrading the drainage system and utilities. The plan is to regrade and repave the old parking areas. He indicated that they will be utilizing several areas of the existing drainage system but will be creating two underground detention areas. The plan is to direct the water into the new underground drainage systems. The two underground drainage areas will release into the riprap swale located in the southwest corner of the lot. The northwest parking area will be pervious pavement and all water will drain naturally. He also identified on the plan the areas that will receive new landscaping.

BOARD DISCUSSION

Mr. McMahon asked the applicants where the snow storage areas are located.

Mr. Russ identified on the plan the areas where the snow previously has been stored and stated that the snow will continue to be stored there.

Mr. McMahon asked about the pervious pavement, and what if the land were frozen, where would the water flow.

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Mr. Nowacki stated the flow of the water would continue to follow the establish drainage pattern and flow towards the southwest corner of the property.

Mr. Lessard asked Mr. Nowacki where he has used this type of pavement, Mr. Nowacki responded that he personally has not, however, UNH is presently utilizing this new technology.

There was discussion about the calculations of the amount of water generated for the property, and did it include the pervious pavement; did the calculations included the time of year that the land is frozen and that the land is pervious pavement.

Mr. Steffen asked about landscaping for the buildings in the southern end of the property.

Mr. Russ explained the previous owner did not believe in Trees, but he is looking into increasing the amount. He indicated that the cost would drive the amount of additional landscaping to be added.

MOVED by Mr. Viviano to accept jurisdiction and send out for departmental review, utilities review and outside engineering review, including the Conservation Commission. The application was continued to the November 21, 2007 Planning Board meeting.

SECOND by Mr. Lessard

VOTE: 6-0-0 **MOTION PASSED**

07-84 Gilles Houle
375 Ocean Boulevard
Site Plan Review
Commercial Retail Plaza
Map 275 Lot 8 & 17

APPLICANT

Peter Saari, Lisa DeStefano and Joe Coronati are representing the applicant Gilles Houle.

Mr. Coronati passed out a colored plan outlining the project and photos of the area.

Mr. Saari briefly explained the proposal for the two story commercial building. There is one legal issue regarding the property, which will be resolved with the owners as soon as possible.

Mr. Coronati described the project. The courtyard will be bricked with the drainage system located under the courtyard, as the soils are very good for drainage. Almost all of the stormwater is contained on the property. Trash will be located in the back of the building. Screening and buffering will be applied to the Dumpster area.

Mr. Lessard mentioned that the plan would need to show more detail on the recycling area and dumpsters. Mr. Coronati agreed

Ms. DeStefano explained d the concept of the courtyard and how it will draw to people into the area. The design of the back of the building is architecturally detail to give a good feel and be reflective of the residential neighborhood. She also noted that there are additional windows in the back of the building, however, the amount of windows are limited due to fire code. The design uses the maximum amount allowed. The design of the building is in keeping with the scale of the residential community. Ms. DeStefano explained that she has applied a lot of aesthetic detailing to the building, to keep scale and proportion down, using layers of detail,

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awnings. She explained that within the Courtyard the intent of the design is to create individual storefronts

BOARD

Mr. Lessard asked if the project is sole commercial. Yes to the question. Mr. Lessard asked about the color of the building. Ms. DeStefano stated that the use of shingles and brick will be used and the front units do not have doors on Ocean Blvd.

Ms. DeStefano explained that there would not be any pedestrian access from Ocean Blvd. The development is designed on a courtyard concept and that idea is to have the pedestrians gather in the courtyard and access the retail shops from within the main courtyard area. The development has not been marketed so the issue of a Restaurants wanting access on Ocean Blvd for outside seating has not be addressed.

Mr. McMahon questioned the amount of retail units. Ms. DeStefano explained that the number of the units is currently at 16 and that number represented the maximum number of units. It is possible that the retail spaces can be larger and that number would be reduced.

The question of how the units would be accessed was asked and Ms. DeStefano stated that the concept is for the courtyard to be the main point of access to all the units, for pedestrian and delivery purposes.

Mr. McMahon stated for the record that there is no parking requirement for both the owners and employees.

PUBLIC

Mr. Mark Loopley - 16 Fuller Acres. Concern about the winter ban on parking. Where will the owners and employees park? Waste Management will not be able to access the dumpster in the summer.

Skip Windham - 365 Ocean Blvd. Concerned about ADA requirements, flood elevations, and drainage issues.

Mr. Coronati, Jones & Beach Engineers stated that the elevation is 11 and ADA requirements will be met.

BOARD DISCUSSION

Mr. Lessard stated that Mr. Windham's issue on drainage is a valid concern and what type of system is proposed? Is it the Storm tech system that is being used at the Brothers North Development?

Mr. Coronati stated that it is the same system the as Brothers North further described the improvements to the proposed system, which came about through the development of Brothers North.

Both Mr. Lessard and Mr. Viviano asked about the noise effect on the residential neighborhood and how it could be solved for the dumpster area. Mr. Coronati stated that a concrete wall could be constructed around the dumpster area to reduce the noise effect. Mr. Coronati explained that the design of the dumpster area was based on a worst-case scenario, and the waste truck will be able to maneuver the turning area.

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Mr. Viviano questioned the applicant about the parking concerns.

The Board complimented the applicant on his proposal and felt that his development design is keeping with Hampton Beach and the goals of the Beach.

MOVED by Mr. Vivian to accept jurisdiction and send out for departmental review, outside engineering and continue the application to the November 21, 2007 Planning Board meeting.

SECOND by Ms. Mercer

VOTE: 6-0-0 **MOTION PASSED**

Ms. Mercer recused herself on the following applications and alternate Mr. Robert Bilodeau sat.

07-086 Kimberly Martin-Nadeau
1062 Ocean Boulevard
Special Permit to Impact Wetlands Conservation District
Restoration of existing patio
Map 98 Lot 34

07-087 Richard Phillips
1060 Ocean Boulevard
Special Permit to Impact Wetlands Conservation District
Restoration of existing patio
Map 98 Lot 37

07-88 Robert J Carroll
1064 Ocean Boulevard
Special Permit to Impact Wetlands Conservation District
Restoration of existing patio
Map 98 Lot 30

07-089 Susan B. Moran
1066 Ocean Boulevard
Special Permit to Impact Wetlands Conservation District
Restoration of existing patio
Map 98 Lot 24

APPLICANT

Mr. Nadeau is representing all the applications. Mr. Nadeau explained that the April storm destroyed portions of all the abutting patios and the applications request the repair of such. The selectmen have given their permission to repair the portions of the patios on Town property.

BOARD

Mr. Viviano questioned the restoration of the concrete patio and the installation of the two removable stair walkways to the Beach.

Mr. Nadeau responded that #1060 is the only property to have concrete, the remaining properties will have pavers and stone pavers. The concrete will be the type of permeable concrete to allow sea grass to grow through.

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PUBLIC

Clint Springer, husband of Francesca Springer. Mr. Springer is in favor but has concern about the installation of the sheeting, and the infringement of his wife's property of the construction equipment.

Mr. Nadeau and the Board informed Mr. Springer that the contractor who will be performing the work is bounded by the State and Town regulations to restore the area to it's original state and should address his concerns to Mr. Nadeau and the contractor.

BOARD DISCUSSION

The Board will vote on each application individually.

07-087 Richard Phillips

1060 Ocean Boulevard
Special Permit to Impact Wetlands Conservation District
Restoration of existing patio
Map 98 Lot 37

MOVED by Mr. Lessard to grant special permit for 1060 Ocean Blvd for patio restoration to be of the following: Concrete in the patio area and the second area identified on the plan dated 05/25/07 with a revision of 09/03/07. Installation of sea grass in and around the areas that will be replaced with concrete. The stipulations of the Conservation Commission's letter of October 3, 2007 shall be included in the decision.

SECOND by Mr. Bilodeau

VOTE: 6-0-0 **MOTION PASSED**

07-086 Kimberly Martin-Nadeau

1062 Ocean Boulevard
Special Permit to Impact Wetlands Conservation District
Restoration of existing patio
Map 98 Lot 34

MOVED by Mr. Lessard to grant special permit for 1062 Ocean Blvd for the patio restoration to be of the following: Patio pavers and grassed as identified on the plan dated 05/25/07 with a revision of 09/03/07. The patio area will be sloped/pitched westerly for drainage. The stipulations of the Conservation Commission's letter of October 3, 2007 shall be included in the decision.

SECOND by Mr. Bilodeau

VOTE: 6-0-0 **MOTION PASSED**

07-89 Robert J Carroll

1064 Ocean Boulevard
Special Permit to Impact Wetlands Conservation District
Restoration of existing patio
Map 98 Lot 30

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MOVED by Mr. Lessard to grant special permit for 1064 Ocean Blvd. for the patio restoration to be of the following: Patio pavers and grassed as identified on the plan dated 05/25/07 with a revision of 09/03/07. The patio area will be sloped/pitched westerly for drainage. The stipulations of the Conservation Commission's letter of October 3, 2007 shall be included in the decision.

SECOND by Mr. Bilodeau

VOTE: 6-0-0 **MOTION PASSED**

07-089 Susan B. Moran

1066 Ocean Boulevard

Special Permit to Impact Wetlands Conservation District

Restoration of existing patio

Map 98 Lot 24

MOVED by Mr. Lessard to grant special permit for 1066 Ocean Blvd. for the patio restoration to be of the following: Patio "natural" stone pavers and grassed as identified on the plan dated 05/25/07 with a revision of 09/03/07. The patio area will be sloped/pitched westerly for drainage. The stipulations of the Conservation Commission's letter of October 3, 2007 shall be included in the decision.

SECOND by Mr. Bilodeau

VOTE: 6-0-0 **MOTION PASSED**

IV. CONTINUED PUBLIC HEARINGS

07-054 Nyhan, William

Special Permit to Impact Wetlands Conservation District

Construct single family home at

3 Gale Road

APPLICANT

Mr. Coronoti representing the applicant. He stated that the Zoning Board of Adjustment has granted permission to allow the applicant's septic to be within the 75 feet wetland boundary.

BOARD

Mr. Lessard questioned the fact that the Zoning Board of Adjustment has approved a plan, which is not the plan presented to the Planning Board this evening.

Mr. Coronoti stated that the plan before the Planning Board was the plan before the Conservation Commission and the one they have recommended denial of

Mr. McMahon also questioned approving a plan that has not been approved by the ZBA with reference to the relief that was granted.

The Board discussed the material context of the plan. The Board's concern is whether the Zoning Board of Adjustment would approve the plan that is now before this Board and suggested that the applicant appear before the ZBA, with the new plan for the ZBA's acceptance, before the Board would approve this application.

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MOVED by Mr. Lessard continue the application to the November 7, 2007 Planning Board meeting, and to forward to the ZBA the new plan for confirmation on whether they (the ZBA) would approve or disapprove the plan with respect to the zoning relief the applicant was granted by them.

SECOND by Mr. Bilodeau

VOTE: 6-0-0 **MOTION PASSED**

07-064 Bernard Christopher

87 Barbour Road

9-lot subdivision

Map 91/92 Lot 4-1/5

Owner of Record: Arthur Brown

APPLICANT

Mr. Boyd representing Mr. Bernie Christopher, Developer and Mr. Arthur Brown, property owner.

Mr. Boyd stated that Mr. Steffen has given him a challenge to incorporate Low Impact Development (LID) Techniques in the subdivision design of 87 Barbour Road. He has discussed the concept of the LID with the owner and developer of the property. Both gentlemen are will to incorporated the LID, however, Mr. Boyd requests assurance from the Planning Board; given that waivers will be needed from subdivision control regulations to incorporate the LID; that any waivers required would be granted.

Mr. Boyd in discussion the LID is willing to be the guinea pig. Mr. Lessard suggested the word "Pioneer" to Mr. Boyd instead.

In discussing the LID plan design; Mr. Boyd explained that by reducing the width of the roadway pavement, and not installing granite curbing are typical measures that achieve low impact development, but will need waivers from the regulations.

Mr. Boyd and Mr. Brown both spoke and requested that the Board accept jurisdiction on the conventional plan, to show good faith, which would allow the LID plan to move forward. Many of the plan details will change which will require waivers and they need the assurance of the granting of the waivers

BOARD

Discussion among the Board members on whether to accept jurisdiction and to vote on the plan as submitted ensued.

The submitted plan conforms to the rules and regulations of the Subdivision Control. The acceptance of jurisdiction begins the process of approval under the regulations. The vote would show the good faith intention of the Board, in that they are willing to allow the developer to rework the plan with the LID concepts.

Discussions on the issue that several department heads and the Town's reviewing engineer all have concerns with the conventional plan, even though it conforms to the subdivision regulations.

It was decided by the members that by accepting jurisdiction, further discussion could occur on the conventional plan and the LID plan.

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MOVED by Mr. Lessard to accept jurisdiction of Plan entitled "Plat of Land in Hampton, NH" showing "Sherburne Place A subdivision at 87 Barbour Road" Map 91, Lot 4-1 and Map 92, Lot 5. Drawn by Eric Botterman, Professional Engineer with a signature date of 09-13-07 and Henry Boyd, Licensed Land Surveyor with a signature date of 09-25-07; containing 10 sheets. To continue the application to November 7, 2007 Planning Board meeting to allow the developers representative to meet with the Town Planner, Department Heads and the Town's reviewing engineer to achieve assurances of support and agreement on the Low Impact Design (LID) techniques for the subdivision.

SECOND by Mr. Viviano

VOTE: 6-0-0 **MOTION PASSED**

V. CONSIDERATION OF MINUTES of September 19, 2007

Page 6, paragraph 2, removal of the second word "that:"

MOVED by Mr. Lessard to accepted the change and approve the minutes.

SECOND by Mr. Viviano

VOTE: 4-0-2 Mr. McMahon and Ms Mercer abstained **MOTION PASSED**

VI. ADJOURNMENT

Meeting adjourned at 9:17PM

Respectfully Submitted,

Kristina G. Ostman
Planning Coordinator